

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RAYMOND LANE,

Petitioner,

No. 05-CV-73273-DT

vs.

Hon. Gerald E. Rosen

A. VALONE, et al.,

Respondent.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DENYING PETITIONER'S APPLICATION
FOR LEAVE TO APPEAL *IN FORMA PAUPERIS* AND DENYING
PETITIONER'S MOTION FOR A CERTIFICATE OF APPEALABILITY

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on September 18, 2009

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

This matter having come before the Court on the July 21, 2009 Report and Recommendation of United States Magistrate Judge R. Steven Whalen recommending that the Court deny Petitioner's application to proceed on appeal *in forma pauperis* and his motion for a certificate of appealability; and no timely objections to the R&R having been filed; and the Court having reviewed and considered the Magistrate Judge's R&R and the Court's file of this matter and having concluded that Petitioner's request for a certificate of appealability and his *IFP* application should be denied, and being otherwise fully advised in the premises,

NOW, THEREFORE,

IT IS HEREBY ORDERED that the Magistrate Judge's July 21, 2009 Report and Recommendation [**Dkt. # 62**] is hereby ADOPTED by the Court.

IT IS FURTHER ORDERED that, for the reasons stated by the Magistrate Judge, Petitioner's Motion for a Certificate of Appealability [**Dkt. # 56**] is DENIED.

IT IS FURTHER ORDERED that Petitioner's Application to proceed on appeal *in forma pauperis* [**Dkt. # 60**] is DENIED.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: September 18, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 18, 2009, by electronic and/or ordinary mail.

s/Ruth Brissaud
Case Manager